

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 696 - SB 718

March 17, 2023

SUMMARY OF BILL: Enacts the *Extended Juvenile Jurisdiction Act*, which establishes a juvenile justice pilot program in Shelby County.

Authorizes the State to request a juvenile offender be retained by the juvenile court while participating in the pilot program if: (1) the juvenile is charged with first-degree murder committed under the age of 13 and the State meets its burden to prove the juvenile is fit and has capacity to proceed; (2) the juvenile is charged with first-degree murder committed at the age of 13 and meets his or her burden to establish lack of fitness and capacity; or (3) the juvenile, aged 14 or older at the time of commission of the offense, and commits any of the outlined offenses.

Establishes that there is a presumption that a juvenile under 13 years of age at the time of the alleged offense and who is charged with first-degree murder is unfit to proceed and lacked capacity to possess the necessary mental state required for the offense charged. Requires a court order a mental evaluation and suspend all proceedings until the juvenile is determined fit to proceed.

FISCAL IMPACT:

Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures, increase in state expenditures to the Department of Children’s Services or the Department of Mental Health and Substance Abuse Services, or any decrease in state incarceration expenditures cannot reasonably be determined.

Assumptions:

- Tennessee Code Annotated § 37-1-134(a)(1)(A) requires a juvenile meet the following criteria in order to be eligible for transfer to criminal court and tried for a criminal offense as an adult:
 - The child was less than 14 years of age at the time of the alleged conduct and charged with first degree murder or second-degree murder or attempted first or second-degree murder;
The child was between the ages of 14 and 16 years at the time of the alleged conduct and charged with specified violent offenses;
 - The child was 16 years of age or more at the time of the alleged conduct and charged with the offense of robbery or attempt to commit robbery; or

- The child was 17 years of age or more at the time of the alleged conduct.
- Pursuant to Tenn. Code Ann. § 37-1-134(d), a juvenile court has jurisdiction over offenses alleged to have been committed prior to a person's 18th birthday.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(5), a person under 19 years of age is authorized to remain under the continuing jurisdiction of the juvenile court for limited purposes.
- The proposed legislation authorizes juvenile offenders be retained by the juvenile court in Shelby County while participating in the pilot program if they meet the eligibility requirements as outline.
- The proposed legislation may lead to an increase in state expenditures associated with an increase in the number of juveniles committed to the custody of the Department of Children's Services (DCS) that would otherwise have been transferred to adult criminal court.
- The proposed legislation may lead to a decrease in state incarceration expenditures associated with offenders participating in the pilot program; however, the extent of any increase in expenditures to the DCS or decrease in state incarceration expenditures will be dependent upon the number of participants a court orders to participate in a pilot program.
- Pursuant to Tenn. Code Ann. 37-1-128(e)(1)(A), if there is reason to believe that a child may be suffering from mental illness, the court may order the child to be evaluated on an outpatient basis by a mental health agency or a licensed private practitioner designated by the Commissioner of the Department of Mental Health and Substance Abuse Services (DMHSAS) to serve the court.
- Pursuant to Tenn. Code Ann. 37-1-150(b)(2), the cost of an inpatient mental health examination or evaluation ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult, and the cost incidental to the examination or evaluation, shall be paid by the city or county.
- For any juvenile requiring an inpatient mental health evaluation, there will be a mandatory increase in local expenditures. For any juvenile requiring an outpatient mental health evaluation, there will be an increase in expenditures to the DMHSAS; however, the number of juveniles that will be required to receive a mental evaluation and the type of mental health evaluation (inpatient or outpatient) a juvenile will require is unknown.
- Due to multiple unknown factors, the extent and timing of any mandatory increase in local expenditures, increase in expenditures to the DCS or DMHSAS or decrease in state incarceration expenditures cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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